

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DANIEL C. WALLER, JR.,

Plaintiff,

v.

TIAVON MOORE-PATTON, RAMONA  
VINCENT, MARIA ROSADO, BENJAMIN  
QUANTA MiDOGE, CRINISHA HALL,  
ANGELA CALLOWAY, and ROBERT CAIN

Case Number 15-13305  
Honorable David M. Lawson  
Magistrate Judge David R. Grand

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION AND DENYING DEFENDANT'S MOTION TO DISMISS**

Presently before the Court is the report issued on August 24, 2016 by Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b), recommending that the Court deny the defendant's motion to dismiss. Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #64] is **ADOPTED**.

It is further **ORDERED** that the defendant's motion to dismiss [dkt. #56] is **DENIED**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: September 13, 2016

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 13, 2016.

s/Susan Pinkowski  
SUSAN PINKOWSKI